manufactured after the effective date of the rules must provide the *capability* to clearly mark identifying information (including the date and time of transmission) upon initial programming by the user; (c) facsimile modem computer boards are subject to our rules on telephone facsimile machines; and (d) the entity on whose behalf a facsimile message is transmitted is ultimately responsible for compliance with the rules banning unsolicited facsimile advertisements.

Finally, Commission rules require entities or individuals making telephone solicitations to provide identifying information to called parties, including a telephone number at which the solicitor can be reached. The TCPA prohibits charging consumers to protect their privacy, and FCC rules prohibit imposing costs on called parties. The MO&O therefore modifies the Commission's rules to ensure that telephone numbers provided in solicitations for identification purposes do not require the called party to incur more than nominal costs for making a do-not-call request.

Ordering Clauses

Accordingly, it is ordered, that the petitions for reconsideration and/or clarification of the rules and regulations implementing the Telephone Consumer Protection Act of 1991 are denied in part and granted in part.

It is further ordered, That effective December 13, 1995, telephone facsimile modem boards, which enable personal computers to transmit messages to or receive messages from conventional telephone facsimile machines or other computer fax boards, must be manufactured in compliance with the Commission's amended rules as set forth below.

It is further ordered, That, pursuant to authority contained in sections 1, 4(i), 4(j), 201-205, 218, and 227 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201-205, 218 and 227, parts 64 and 68 of the Commission's Rules and Regulations Are Amended as set forth below, effective September 14, 1995.

List of Subjects

47 CFR Part 64

Consumer protection, Reporting and recordkeeping requirements, Telephone.

47 CFR Part 68

Communications equipment, Facsimile, Telephone.

Federal Communications Commission.

LaVera F. Marshall,

Acting Secretary.

Rule Changes

Chapter I of Title 47 of the Code of Federal Regulations, parts 64 and 68, are amended as follows:

PART 64—MISCELLANEOUS RULES **RELATING TO COMMON CARRIERS**

1. The authority citation for part 64 continues to read as follows:

Authority: Section 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 201, 218, 225, 226, 227, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 201-4, 218, 225, 226, 227, unless otherwise noted.

2. Section 64.1200 is amended by revising paragraphs (e)(2)(iv), (e)(2)(vi) and (f)(3)(iii) to read as follows:

§ 64.1200 Delivery restrictions.

* * * (e) * * *

(2) * * *

(iv) Identification of telephone solicitor. A person or entity making a telephone solicitation must provide the called party with the name of the individual caller, the name of the person or entity on whose behalf the call is being made, and a telephone number or address at which the person or entity may be contacted. If a person or entity makes a solicitation using an artificial or prerecorded voice message transmitted by an autodialer, the person or entity must provide a telephone number other than that of the autodialer or prerecorded message player which placed the call. The telephone number provided may not be a 900 number or any other number for which charges exceed local or long distance transmission charges.

(vi) Maintenance of do-not-call lists. A person or entity making telephone solicitations must maintain a record of a caller's request not to receive future telephone solicitations. A do not call request must be honored for 10 years from the time the request is made.

(3) * * *

*

(iii) By or on behalf of a tax-exempt nonprofit organization.

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE **TELEPHONE NETWORK**

1. The authority citation for part 68 continues to read as follows:

Authority: Secs. 1, 4, 5, 201-5, 208, 215, 218, 226, 227, 303, 313, 314, 403, 404, 410,

602 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 155, 201-5, 208, 215, 218, 226, 227, 303, 313, 314, 403, 404, 410, 602.

2. Section 68.318 is amended by revising paragraph (c)(3) to read as follows:

§ 68.318 Additional limitations.

*

(c) * * *

(3) Telephone facsimile machines; identification of the sender of the message. It shall be unlawful for any person within the United States to use a computer or other electronic device to send any message via a telephone facsimile unless such message clearly contains, in a margin at the top or bottom of each transmitted page or on the first page of the transmission, the date and time it is sent and an identification of the business, other entity, or individual sending the message and the telephone number of the sending machine or of such business, other entity, or individual. The telephone number provided may not be a 900 number or any other number for which charges exceed local or long distance transmission charges. Telephone facsimile machines manufactured on and after December 20, 1992 must clearly mark such identifying information on each transmitted message. Facsimile modem boards manufactured on and after December 13, 1995 must comply with the requirements of this section.

[FR Doc. 95-20116 Filed 8-14-95; 8:45 am] BILLING CODE 6712-01-M

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47 CFR Part 73

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[MM Docket No. 94-8; RM-8412; RM-8461]

Radio Broadcasting Services; Ola and Russellville, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 267A to Ola, Arkansas, as that community's first local aural transmission service, at the request of Yell County Broadcasting. A mutuallyexclusive proposal to substitute Channel 267A for Channel 265A at Russellville, Arkansas, and concomitant modification of the license of Johnson Communications, Inc. for Station KCJC(FM) is denied. See 59 FR 7669, February 16, 1994. Coordinates used for Channel 267A at Ola, Arkansas, are 35-01-02 and 93-13-34. With this action, the proceeding is terminated.